

MEMO ENDORSED

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Aaron Marks, P.C.
To Call Writer Directly:
+1 212 446 4856
aaron.marks@kirkland.com

601 Lexington Avenue
New York, NY 10022
United States

+1 212 446 4800

www.kirkland.com

Facsimile:
+1 212 446 4900

January 20, 2023

VIA ECF

The Honorable Edgardo Ramos
U.S. District Court for the
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Defendants' motion to reopen this case and for leave to file a motion for attorney's fees is granted. In the event this Court's January 17, 2023 Order is affirmed, Defendants may file the motion within two weeks after the Second Circuit issues its mandate. Plaintiff will have two weeks after Defendants file the motion to file an opposition. IT IS SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: January 23, 2023

New York, New York

Re: *DarkPulse, Inc. v. FirstFire Global Opportunities Fund, LLC et al.*,
Case No. 1:21-cv-11222-ER

Dear Judge Ramos:

I write on behalf of Defendants FirstFire Global Opportunities Fund, LLC ("FirstFire") and Eli Fireman (collectively, "Defendants"), in the above-captioned action, to request that the Court re-open this action for the limited purpose of addressing whether Defendants are entitled to attorney's fees from Plaintiff DarkPulse, Inc. ("DPLS") and that the Court grant Defendants an extension of time to file their motion for attorney's fees.

On January 17, 2023, the Court granted Defendants' May 26, 2022 motion to dismiss Plaintiff's First Amended Complaint (Dkt. Nos. 30, 31, 37), entered judgment for Defendants, and closed this action. (Dkt. Nos. 41, 42.) Defendants now intend to submit a motion seeking attorney's fees pursuant to the convertible notes issued by DPLS to FirstFire in September 2018 and April 2021, as amended (the "Notes"), as the Notes specifically state: "[t]he prevailing party shall be entitled to recover from the other party its reasonable attorney's fees and costs."

Pursuant to Fed. R. Civ. P. 54(d)(2)(B)(i), Defendants' motion for attorney's fees is due to be filed 14 days after judgment has been entered, which is January 31, 2023. Defendants therefore request that the above-captioned action be restored to the Court's active calendar, so that Defendants may file their motion for attorneys' fees. Defendants further request that the Court grant them an extension until February 20, 2023 to file their motion for attorney's fees.

We thank the Court for its consideration of this request.

KIRKLAND & ELLIS LLP

Hon. Edgardo Ramos
January 20, 2023
Page 2

Respectfully submitted,

/s/ Aaron H. Marks

Aaron H. Marks, P.C.

*Counsel for Defendants FirstFire Global
Opportunities Fund, LLC & Eli Fireman*

CC: All Counsel of Record (via ECF)